



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
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961302

US EPA RECORDS CENTER REGION 5



501105

REPLY TO THE ATTENTION OF:
SR-6J

November 8, 2012

Leo Brausch, Environmental Management Consultant

(b) (6)
Gibsonia, PA 15044-9795

Re: Resolution of remedial design-related issues
North Bronson Industrial Area Site, Operable Unit 1, Bronson, Michigan
Consent Decree, No. H99-CV-04-781

Dear Mr. Brausch:

This letter concerns resolution of certain key remedial design-related issues for the North Bronson Industrial Area (NBIA) Site. As you know, these matters have been under discussion between yourself, the United States Environmental Protection Agency (EPA), and the Michigan Department of Environmental Quality (MDEQ) for several years. EPA and MDEQ have given full consideration to your views on these matters, following extensive discussions. This letter provides you with EPA's final position on these matters.

EPA's position is consistent with the June 18, 1998, Record of Decision for Operable Unit 1 (OU1) and the September 26, 2008, Explanation of Significant Differences, the key decision documents for the NBIA Site. Additionally, Figure 4 in the August 2010 Sediment and Soil Sampling Study Report for OU1 provides a useful conceptual framework for media identified as "erodible soils," "non-erodible soils," and "sediments." For purposes of this letter and the remedial design, "non-erodible soils" are considered soils, and "erodible soils" are considered sediments. This is because "erodible soils" may erode and move into CD#30, where they would become sediment.

EPA's final position regarding OU1 cleanup standards is as follows:

- Soils: "Non-erodible soils" are materials that do not reside in CD#30 or in its banks, and are not likely to erode into CD#30. For purposes of cleanup standards, these materials are considered soils.
- Erodible soils: For purposes of cleanup standards, erodible soils are considered "sediments," as discussed above. The 10-year and 100-year floodplains will be determined and mapped out during the remedial design. Excavation of sediments (i.e., erodible soils in this instance) shall encompass all areas of erodible soils (i.e., 10-year floodplain or 100-year floodplain, as appropriate, as determined by EPA, in consultation with MDEQ). Excavation depths for the erodible soils will be based on sampling results obtained during remedial design.
- MDEQ cleanup standards for residential soils, groundwater, and groundwater-surface water interface (GSI) must be met.
- Once the soils (i.e., non-erodible soils) and sediments (including erodible soils) have been removed and verification sampling shows that all remaining materials meet cleanup criteria (for

soils or sediments, as appropriate), groundwater monitoring will be undertaken. The groundwater monitoring requirements will be specified in a groundwater monitoring plan to be submitted to EPA and MDEQ for review and approval as part of the remedial design. Final decisions on the groundwater monitoring requirements will be made by EPA, in consultation with MDEQ. The groundwater monitoring must demonstrate that MDEQ groundwater standards are fully met.

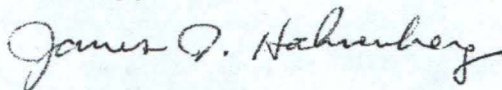
Please note that regardless of preliminary standards calculated for soils or sediments based on MDEQ protocols, the soil and sediment verification sampling results and the groundwater monitoring results will determine the completeness of removal. If the consolidation of soils and/or sediments into the lagoon(s) causes groundwater to exceed MDEQ standards, further measures will need to be undertaken.

The Agencies agree that it is acceptable to excavate soils and sediments from CD#30 or adjacent to it, stabilize the materials, and place the stabilized materials in the lagoons. The Remedial Design Work Plan required by the consent decree shall describe the following in detail:

- Identification and excavation of contaminated non-erodible soils, erodible soils, and sediments, and their final disposition;
- Verification sampling of excavated soil and sediment areas;
- Lagoons dewatering;
- Lagoons stabilization;
- Lagoons dewatering process during construction, and how the water will be treated;
- Slurry wall construction and location;
- Lagoon cap;
- Monitoring well installation; and
- Groundwater monitoring.

EPA and MDEQ would like to schedule a meeting for resolution of these issues and completion of all NBIA work, including a discussion of next steps and the schedule for the deliverables required by the consent decree. Please let me know who you would like to attend on behalf of the NBIA group, and a time and place for a meeting. Please call me at 312-353-4213 if you wish to discuss or have any other questions or concerns.

Sincerely yours,



James J. Hahnenberg,
EPA Remedial Project Manager
Superfund Division

cc: Larry Johnson, Office of Regional Counsel
Mary Mead O'Brien, MDEQ
Susan Franzetti, NBIA Operable Unit 1 PRP Group Legal Committee
Steve Giblin, NBIA Operable Unit 1 PRP Group Legal Committee
William Horn, NBIA Operable Unit 1 PRP Group Legal Committee
Kirk Meadows, NBIA Operable Unit 1 PRP Group Legal Committee
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